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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SOUTHERN CALIFORNIA ALLIANCE
OF PUBLICLY OWNED TREATMENT
WORKS, and CENTRAL VALLEY
CLEAN WATER ASSOCIATION,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY; JARED
BLUMENFELD, REGIONAL
ADMINISTRATOR, UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY, REGION IX; and DOES 1 to
10,

Defendants.

No. 2:14-cv-01513-MCE-DAD

ORDER

Currently before the Court is Plaintiffs' Ex Parte Application for an Order Striking New Arguments and Evidence Submitted for the First Time in EPA's Reply to Plaintiffs' Opposition to Cross-Motion for Summary Judgment, or in the Alternative, Granting Leave for Plaintiffs to File a Surreply (ECF No. 42).


An Ex Parte Application is not the appropriate mechanism for bringing a Motion to Strike. Therefore, the Application for an Order Striking the New Arguments and Evidence is DENIED. In the interest of fairness and because this request is unopposed

1 (ECF No. 43), Plaintiffs' Application for an Order Granting Leave for Plaintiffs to File a
2 Surreply is nonetheless GRANTED.¹ No later than two days following the date this order
3 is electronically filed, Plaintiffs are directed to file their Surreply. Any response to the
4 Surreply by Defendant EPA must be filed by no later than three (3) days following the
5 filing of the Surreply.

6 The March 5, 2015 hearing on the Cross-Motions for Summary Judgment (ECF
7 Nos. 25, 30) and Plaintiffs' Motion to Compel (ECF No. 36) is VACATED and
8 CONTINUED to Thursday, March 19, 2015 at 2:00 p.m. in Courtroom 7.

9 IT IS SO ORDERED.

10 Dated: February 23, 2015

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14 MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT

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¹ The Court does not look favorably on ex parte applications that could have been avoided by
28 stipulation. Counsel are all admonished that any future ex parte applications will be rejected unless the
parties specifically explain: (1) the steps they took to meet and confer; and (2) why no stipulation could be
reached.